

histogram of the present invention. Claim 49 recites “determining a histogram indicating frequency of the respective motion intensity levels.” The Examiner states that this histogram is disclosed by Ratakonda at col. 17, lines 15-42 which he states teaches two different schemes for histogram computation that involve motion compensation of P and B frames. However, the Examiner acknowledges that Ratakonda *does not include details about how the histograms are indicative of frequency of occurrence*. To show this, the Examiner newly cites Haghigi at col. 3, lines 25-35 which the Examiner alleges teaches that the histogram peaks represent the frequency of occurrence.

Applicants respectfully traverse this rejection. First, as previously argued, the histograms of Ratakonda are based on colors. In detail, Ratakonda calculates a 256-bin Y-histogram and two 128-bin U and V histograms, or a simple 256-bin Y-histogram in order to determine shot boundaries of digital video sequence. Accordingly, the histograms of Ratakonda represent frequencies of each value Y, U, and V components (or the Y component only) (see col. 12, lines 51-57 and col. 18, lines 19-31). However, histograms of the present invention represent motion intensities of a video stream using motion compensation information included in the video stream. As a result, the histograms of the present invention are quite different than that suggested by Ratakonda.

Second, the frequency of occurrence discussed in Haghigi relates to a “minimum-error motion vector within a frame.” In Haghigi, the minimum-error motion vectors are compressed by histogramming (see col. 3, lines 27-29). These minimum-error motion vectors within a frame are not at all indicative of a motion intensity level of respective inter frames. Thus, Haghigi also does not suggest determining a histogram as recited.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/497,522

Attorney Docket No. Q53231

Finally, as follows, there would be no motivation to combine these two references since the Ratakonda disclosure determines histograms based on colors, and Haghigi "histograms" minimum-error motion vectors. These are quite different concepts, and as such, Applicants respectfully submit that claims 49-55 are allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ronald Kimble
Registration No. 44,186

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 28, 2004